AO 106 (Rev. 04/10) Application for a Search Warrant

UNITED STATES DISTRICT COURT

for the
District of New Mexico

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
MAY 04 2016
MATTHEW J. DYKMAN
CLERK

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)

Red in color 2004 Dodge Caravan minivan with vehicle identification number (VIN) 2D4GP24R35R146889, bearing New Mexico license plate NNZ243

Case No. 16-MR-347

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

2004 Dodge Caravan bearing New Mexico license plate NNZ243 currently located at 215 West Elm St Farmington, NM

located in the State & District of New Mexico, there is now concealed *(identify the person or describe the property to be seized)*:

Latent fingerprints, footwear impressions, bodily fluids and tissue, trace evidence including glass, hair, fibers and any items or materials that may have sufficient DNA present to use in forensic testing, which would be material in a criminal prosecution and / or, objects which could be used to inflict injury or death upon another person

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☑ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☑ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	*Offense Description*
Title 18, U.S.C. Section 1153	Crime on Indian Reservation
Title 18, U.S.C. Section 1111	Murder
Title18,U.S.C.Section 1201(a)2	Kidnapping within the United States

The application is based on these facts:

See attached affidavit

☑ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: ____________) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Jeffrey T. Wright
Applicant's signature

Special Agent Jeffrey T. Wright
Printed name and title

Sworn to before me and signed in my presence.

Date: 05/04/2016

B. Paul Briones
Judge's signature

City and state: Farmington, NM

B. Paul Briones, US Magistrate Judge
Printed name and title

ATTACHMENT A
ITEMS TO BE SEARCHED

Evidence of Title 18, U.S.C. Section 1153 Crime on Indian Reservation, Title 18, U.S.C. Section 1111 Murder, Title 18, U.S.C. Section 1201(a)(2) Crime on Indian Reservation, Kidnapping within the United States, Title 18, U.S.C. Section 1201(g) Kidnapping where victim is a minor

1) red in color 2004 Dodge Caravan minivan with vehicle identification number (VIN) 2D4GP24R35R146889, bearing New Mexico license plate NNZ243

ATTACHMENT B
ITEMS TO BE SEIZED

Evidence of Title 18, U.S.C. Section 1153 Crime on Indian Reservation, Title 18, U.S.C. Section 1111 Murder, Title 18, U.S.C. Section 1201(a)(2) Crime on Indian Reservation, Kidnapping within the United States, Title 18, U.S.C. Section 1201(g) Kidnapping where victim is a minor

1) Latent and / or prints, including but not limited to finger(s) and footwear impression(s).
2) Bodily fluids, bodily tissue and /or organ(s) including but not limited to saliva, semen, blood, bone fragments, skin, hair and / or item(s) on and / or within them.
3) Trace evidence, including but not limited to glass, hair and / or fiber(s) and / or any item(s) material(s) that may have said item(s) on
4) Objects which could be used to inflict injury or death upon another person
5) Clothing

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

AGENT'S BACKGROUND

I, JEFFREY T. WRIGHT, being duly sworn, do depose and state that:

1. I am a Special Agent (SA) with the United States Department of Justice, Federal Bureau of Investigation (FBI), and have been employed in that capacity for approximately seven and one half years. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency, and have primary investigative responsibility for crimes that occur in Indian Country, including violent crimes such as homicide, robbery, aggravated assault, and sexual assault. I am also responsible for investigating all other federal crimes which fall within the FBI's purview in the San Juan County area of New Mexico.

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

2. The information set forth in this affidavit has been derived from an investigation conducted by SA Wright, Shiprock Criminal Investigator (CI) Jefferson Joe (Navajo Department of Criminal Investigations), and/or communicated to me by other law enforcement officers of the Navajo Nation and witnesses. It is intended to show only that there is sufficient probable cause for a search warrant and does not set forth all of my knowledge about this matter.

3. On the evening of May 2, 2016, investigators spoke with a 9-year old boy (hereafter referred to as John Doe), who provided the following witness account regarding the disappearance of his sister (hereafter referred to as Jane Doe 1) within the exterior boundaries of the Navajo Nation Indian Reservation in Northwest New Mexico:

4. John Doe got off his school bus in the afternoon of May 2, 2016, with his sister Jane Doe 1, an additional older sister (hereafter referred to as Jane Doe 2), and another friend from school. While starting to walk home, John and Jane Doe 1 played in an irrigation canal while Jane Doe 2 continued separately back to their house. While near the canal, John Doe said a red van pulled up to him and Jane Doe 1, and the driver of the vehicle, who was the only occupant, asked the children if they needed a ride. John Doe said Jane Doe 1 had hurt her foot and they both decided to get in the vehicle. The vehicle then headed toward the Shiprock Pinnacle, eventually driving on to a remote dirt road.

5. The driver of the vehicle subsequently took Jane Doe 1 out of the vehicle and walked toward a hill. John Doe said the driver took a curved piece of metal with him when they left. John Doe stayed in the vehicle by himself. About an hour later, the man returned, but without Jane Doe 1. He still had the curved piece of metal with him. The man then told John Doe to get out of the vehicle.

6. John Doe made an attempt to locate his sister Jane Doe 1, but was not successful. He then walked back on the dirt road, eventually reaching Navajo Route 13, where he was seen by motorists walking by himself. He was thereafter picked up and taken to the police.

7. John Doe described the man who took his sister as having short hair, being not skinny nor fat, and not very old. The man was wearing dark clothing. He described the vehicle as a red van with sliding doors, and said it had some trash, a tire, a jacket, and a baseball cap inside.

8. John Doe said neither he nor Jane Doe 1 knew the man previously.

9. Investigators additionally spoke with Jane Doe 2, the older sister of both John and Jane Doe 1, and she said while she was walking home on her own, after getting dropped off by the school bus with her siblings, she was also approached by a man driving a red van who asked if she wanted to get in. She refused to get in the vehicle and he drove off. She described the man as having short hair and being in his 30s.

10. On May 03, 2016, Navajo Department of Criminal Investigations Criminal Investigator (CI) Lewis St. Germaine spoke with an individual identified as G.M. regarding the disappearance of Jane Doe 1. G.M. told CI Germaine that he should speak to his neighbor R.D. about a red van that was seen around the time of Jane Doe 1's disappearance. G.M. led CI Germaine to DICKIE's home where contact was made with R.D.. R.D. explained that his clan brother, TOM BEGAYE JR., saw a red van in the area of the location that Jane Doe 1 disappeared. R.D. told CI Germaine to follow him to R.D.'s sweat lodge, which is located approximately one quarter of a mile from R.D.'s main residence, to speak with BEGAYE. CI Germaine noticed a red Dodge Caravan bearing New Mexico license plate NNZ243 parked near the sweat lodge. G.M. took photographs of BEGAYE and his vehicle. When John Doe saw the picture of the man identified as BEGAYE, he immediately said that was the man who took his sister, Jane Doe 1. John Doe also identified BEGAYE's vehicle as the one that picked him and Jane Doe 1 up on May 2, 2016.

11. Investigators determined that on May 3, 2016, BEGAYE and his vehicle were at a sweat lodge outside of Shiprock, NM. BEGAYE was found near the red van fitting the description given by John Doe, Jane Doe 2, and as described in Paragraph 10. BEGAYE was subsequently arrested, and provided the following information to SA Wright and CI Joe:

12. BEGAYE told investigators that he saw John and Jane Doe 1 playing and offered them a ride. Both of the children got in his vehicle. He stated that he picked up Jane Doe 1 because he had the intention of having sexual intercourse with her. He drove away from the area, eventually heading west on Navajo Route 13. He headed away from that highway and then stopped near a hill. Jane Doe 1 was crying and begging to be taken home.

13. BEGAYE said that he took out an L-shaped tire iron and hid it under his jacket. He then took Jane Doe 1 behind the hill and took off her pants, underpants, and shoes. He penetrated her vagina with two fingers. She was crying and he hit her in the head really hard with the tire iron. She immediately fell to the ground. He then hit her again in the head with the tire iron. He said she was still. Investigators eventually located Jane Doe 1's body near Navajo Route 13, which is within the exterior boundaries of the Navajo Nation Indian reservation, which is Indian Country in the District of New Mexico. Jane Doe 1's head was bloody and appeared to have sustained blunt force trauma.

14. BEGAYE later said Jane Doe 1 was moving when he left her, naked, in the spot where she fell. He said he never penetrated her with his penis. He then went back to the van.

15. John Doe was still in the vehicle. BEGAYE started driving back to the highway and told John Doe to get out of the vehicle.

16. Based on my training and experience, I know that evidence that is generally small in size and is often easily transferred is commonly referred to as "trace evidence". "Trace evidence" can take the form of fibers, soil, seeds, animal hair, human hair and other materials such as bodily fluids. These substances are often exchanged between individuals during physical contact. They can also be transferred from individuals to environments and from environments to individuals. They can define where an individual may have been, with whom the contact occurred, and perhaps, the nature of the contact."

17. Based on the aforementioned information, I submit that probable cause exists to search red in color 2004 Dodge Caravan minivan with vehicle identification number (VIN) 2D4GP24R35R146889, bearing New Mexico license plate NNZ243, further identified in Attachment Latent fingerprints, footwear impressions, bodily fluids and tissue, trace evidence including glass, hair, fibers and any items or materials that may have sufficient DNA present to use in forensic testing, which would be material in a criminal prosecution and / or, objects which could be used to inflict injury or death upon another person. This affidavit has been reviewed by FBI Assistant Division Counsel Anthony Costanza and Assistant United States Attorney Kyle Nayback of the District of New Mexico.

Respectfully submitted,

Jeffrey T. Wright
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on May 04, 2016:

Paul Briones
United States Magistrate Judge